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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/383,114	08/25/1999	JOHN A. ARCADI	35687/RW/H29	6120
23363	7590	07/22/2005	EXAMINER	
CHRISTIE, PARKER & HALE, LLP			COOK, REBECCA	
PO BOX 7068			ART UNIT	
PASADENA, CA 91109-7068			PAPER NUMBER	

1614

DATE MAILED: 07/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/383,114

**Applicant(s)**

ARCADI, JOHN A.

**Examiner**

Rebecca Cook

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-30 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.

- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. 7/18/05
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### **Death of Inventor**

Unless a power of attorney is coupled with an interest (i.e., an attorney is assignee or part-assignee), the death of the inventor (or one of the joint inventors) terminates the power of attorney given by the deceased inventor. A new power from the heirs, administrators, executors, or assignees is necessary if the deceased inventor is the sole inventor or all powers of attorney in the application have been terminated (but see MPEP § 409.01(f)). See also 37 CFR 1.422.

When an applicant who has prosecuted an application after assignment, dies, the administrator of the deceased applicant's estate may carry on the prosecution upon filing letters of administration unless and until the assignee intervenes (MPEP § 402.0)

### **Rejections under 35 USC 112, paragraph one and 35 USC 103(a) Withdrawn**

In view of the arguments by the Attorney for the (deceased) Applicant in the Appellant's Brief of January 31, 2005 the earlier rejections under 35 USC 112, paragraph one and 35 USC 103(a) are withdrawn.

The following amendment to the claims is suggested to clarify the claims:

In claim 1, lines 1-2, delete "a patient with carcinoma" and insert --prostate carcinoma in a patient--;

line 4, delete "cancer" and insert --carcinoma--.

Claim 2, lines 1-2, delete "a patient with prostate cancer and having" and insert --prostate cancer in a patient who has--.

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Claim 3, line 2, delete "which includes the" and insert --wherein said--;

line 3, following "level" insert --is done--.

Claim 9, lines 1-2, delete "for treating a patient with carcinoma, the solution" and insert --which treats carcinoma in a patient--.

Claim 14, line 2, delete "for treating carcinoma" and insert --which treats carcinoma in a patient--.

Claim 17, line 2, delete "a patient with prostate cancer and having" and insert --prostate cancer in a patient who has--.

Claim 20, lines 1-2, delete "prolonging human life of a patient with" and insert --treating prostate carcinoma in a patient with prostate--;

line 8, following "destruction of" insert --prostate--.

Claim 25, lines 1-2, delete "a patient with prostate cancer and having—and insert --prostate cancer in a patient who has--.

Claim 27, lines 1-2, delete "a patient with prostate cancer-- and insert --prostate cancer in a patient--.

Claim 28, lines 1-2, delete "The method for prolonging human life of a patient with carcinoma, the method" and insert --A method for treating carcinoma in a patient--.

Claim 29, delete "prolonging human life of a patient with carcinoma, the method" and insert --treating carcinoma in a patient--.

Claim 30, delete "a patient with prostate cancer, the method" and insert --prostate cancer in a patient--.

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In a conversation with Mr. R. William Johnston on July 18, 2005 the Attorney for the (deceased ) Applicant agreed to said changes in the claims.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Cook whose telephone number is (571) 272-0571. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Low, can be reached on (571) 272-0951.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Renee Jones (571) 272-0547 in Customer Service.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The official fax number is 571-273-8300.

Rebecca Cook



Primary Examiner  
Art Unit 1614

July 20, 2005